

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

v.

Case No. 14-mj-130

JOSHUA VAN HAFTEN,

Defendant.

SEALED

COMPLAINT FOR VIOLATION OF TITLE 18, UNITED STATES CODE,
SECTION 2339B

BEFORE United States Magistrate Judge
Stephen L. Crocker

United States District Court
120 North Henry Street
Madison, Wisconsin 53703

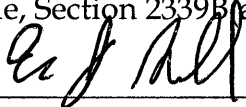
The undersigned complainant being duly sworn states:

On or between August 26, 2014 and October 27, 2014, in the Western District of Wisconsin and elsewhere, the defendant,

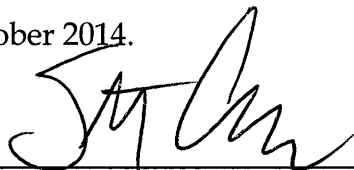
JOSHUA VAN HAFTEN,

knowingly attempted to provide material support and resources, namely, personnel, to a foreign terrorist organization, namely, al-Qaida in Iraq, designated as a foreign terrorist organization by the United States Department of State on or about October 15, 2004, and amended to include the alias Islamic State of Iraq and the Levant (ISIL) on May 15, 2014, knowing that the organization was a designated terrorist organization and that the organization had engaged and was engaging in terrorist activity and terrorism.

(In violation of Title 18, United States Code, Section 2339B(a)(1).)


ERIC ROEHL, Special Agent
Federal Bureau of Investigation

Sworn to before me this 28th day of October 2014.


STEPHEN L. CROCKER
United States Magistrate Judge

AFFIDAVIT

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

SEALED

Eric Roehl, being duly sworn on oath, deposes and states as follows:

INTRODUCTION AND AGENT BACKGROUND

1. This affidavit is submitted in support of a criminal complaint charging Joshua Ray Van Haften.
2. I am a Special Agent with the Federal Bureau of Investigation ("FBI"), and have been since March 2011. I am currently assigned to the Madison Resident Agency ("RA") of the Milwaukee Division. Within the Madison RA, I am assigned to the Joint Terrorism Task Force. Prior to my assignment with the Joint Terrorism Task Force, I was assigned to the FBI's Counterterrorism Division from September 14, 2008, to March 25, 2011. During this time, I was an FBI intelligence analyst responsible for assisting field offices with investigations of unknown and suspected terrorist subjects. Throughout my career with the FBI, I have assisted in multiple criminal investigations and participated in numerous search warrants related to such investigations. As a Special Agent with the FBI, it is part of my duties to investigate violations of federal criminal law, including violations of Title 18, United States Code, Section 2339B, which criminalizes among other things, providing material support to a Designated Foreign Terrorist Organization. Moreover, as an FBI Special Agent, I am also authorized to investigate violations of the laws of the United States generally and to execute search and seizure warrants issued under the authority of the United States.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and does not set forth all of my knowledge about this matter.

4. This affidavit is submitted for the purpose of establishing probable cause that from on or about August 26, 2014 through October 27, 2014, Joshua Ray Van Haften knowingly attempted to provide material support and resources, namely, personnel, to a foreign terrorist organization, namely, al-Qaida in Iraq, then known as Jam'at al Tawhid wa'al-Jihad, as a Foreign Terrorist Organization ("FTO") under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist under section 1(b) of Executive Order 13224. On May 15, 2014, the Secretary of State amended the designation of al-Qaida in Iraq ("AQI") as a Foreign Terrorist Organization ("FTO") under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant ("ISIL") as its primary name. The Secretary also added the following aliases to the ISIL listing: the Islamic State of Iraq and al-Sham ("ISIS"), the Islamic State of Iraq and Syria ("ISIS"), ad-Dawla al-Islamiyya fi al-'Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furqan Establishment for Media Production. Although the group has never called itself "al-Qaida in Iraq (AQI)," this name has frequently been used to describe it through its history. In an audio recording publicly released on June 29, 2014, ISIS announced a formal change of ISIS's name to Islamic State ("IS"). Van Haften attempted to provide

material support and resources, knowing that the organization was a designated terrorist organization and that the organization had engaged and was engaging in terrorist activity and terrorism, in violation of Title 18, United States Code, Section 2339B(a)(1) (the "Subject Offense").

5. As set forth in detail below, there is probable cause to believe that Van Haften traveled, or intended to travel, into Iraq or Syria to join ISIL and to engage in violent jihad, and thereby provide material support to a foreign terrorist organization in violation of Title 18 United States Code, Section 2339B. As set forth below, there is probable cause to believe Van Haften practiced tradecraft commonly used by terrorists by booking a ticket to Turkey, which shares a land border with Syria and has been used frequently by extremists as an entry point to wage violent jihad by joining ISIL.

PROBABLE CAUSE

6. Joshua Van Haften, date of birth January 15, 1981, is a United States Citizen who resides in Dane County, Wisconsin.

7. On or about July 16, 2014, agents of the FBI Madison Resident Agency interviewed Person 1, a former associate of Van Haften. Person 1 told agents, among other things, the following:

(a) Van Haften previously traveled to Egypt. While in Egypt, Van Haften came to the attention of the Egyptian police after a woman selling things in a marketplace did not like his verbal interaction with her and made a complaint to the police about Van Haften taking pictures of a military facility, which is forbidden in Egypt.

(b) Person 1 said that because of Van Haften's contact with the Egyptian police, the US Embassy was notified about Van Haften. Upon notification to the US Embassy Van Haften's sex offender status was discovered, and he was returned to the United States.

(c) Van Haften told Person 1 that he wanted to travel to Syria and Libya and join Jabhat Al-Nusrah.¹

8. A Homeland Security Investigations (HSI) Agent reported that Van Haften was in Egypt from October 2012 to January 2014.

9. On or about August 29, 2014, an FBI Agent interviewed Person 2 to follow-up on a complaint provided to the FBI by Person 2. Person 2 stated that on August 24, 2014, she was near the Capitol building in Madison, Wisconsin, when she saw her 11-year old son talking to an unidentified man. Person 2 informed the FBI

¹ On October 15, 2004, the United States Secretary of State designated al-Qaida in Iraq ("AQI"), then known as Jam'at al Tawhid wa'al-Jihad, as a Foreign Terrorist Organization ("FTO") under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist under section 1(b) of Executive Order 13224.

On December 11, 2012, the Secretary of State amended the designation of AQI to include the following aliases: al-Nusrah Front ("ANF"), Jabhat al-Nusrah, Jabhet al-Nusra, The Victory Front, and Al-Nusrah Front for the People of the Levant.

On May 15, 2014, the Secretary of State, in response to the evolving nature of the relationships between ANF and AQI, amended the FTO designation of AQI to remove all aliases associated with al-Nusrah Front. Separately, the Secretary of State then designated al-Nusrah Front, also known as Jabhat al-Nusrah, also known as Jabhet al-Nusra, also known as The Victory Front, also known as Al-Nusrah Front for the People of the Levant, also known as Al-Nusrah Front in Lebanon, also known as Support Front for the People of the Levant, and also known as Jabaht al-Nusra li-Ahl al-Sham min Mujahedi al-Sham fi Sahat al-Jihad, as a Foreign Terrorist Organization ("FTO") under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under section 1(b) of Executive Order 13224.

Agent that later the same evening, Person 2's son told her that the unidentified man talked about World War III, Syria, and leaving the United States to go to Syria.

10. On or about September 22, 2014, the FBI Agent showed a photograph of Joshua Van Haften to Person 2 and her son and both identified the man that they saw near the Capitol building as the man in the photograph shown to them.

11. On or about September 3, 2014, FBI Agents attempted to locate Van Haften at his last known address. Agents spoke with Person 3, Van Haften's former roommate at that address. Person 3 stated, among other things, the following:

(a) Van Haften had been staying at their apartment sporadically for a few weeks to a month, and Van Haften did not really have a place to stay. Van Haften paid Person 3 \$200 cash to allow him to stay at the apartment. Approximately a week prior to the interview, Van Haften left for overseas and possibly Turkey. Van Haften said that he did not like living in the United States and wanted to go overseas.

(b) Van Haften talked about getting his passport and birth certificate and leaving, and Van Haften made comments referring to jihad. When asked to clarify his statement, Person 3 said that Van Haften folded a \$100 bill in a way to make the folded bill look like the New York World Trade Center Twin Towers, and folded a \$100 bill to make it look like a missile.

(c) Person 3 said that Van Haften left nothing at the apartment when he left.

12. On or about September 3, 2014, a HSI Agent confirmed that Van Haften left the United States on Tuesday, August 26, 2014, aboard Turkish Airlines Flight 0006

from Chicago O'Hare International Airport for Ataturk International Airport in Istanbul, Turkey. On September 8, 2014, the FBI confirmed that Van Haften has a return flight scheduled from Istanbul to Chicago on November 24, 2014 on Turkish Airlines Flight 0005. Based on my training and experience, I know that individuals travel to Turkey to cross the border into Syria.

13. On or about September 22, 2014, Agents interviewed Person 4 at the FBI Madison Resident Agency. Person 4 stated, among other things, the following:

(a) He met Van Haften through a friend and allowed Van Haften to stay in his house from approximately March or April 2014 to the time Van Haften departed for Turkey in August 2014. Van Haften lived at Person 4's residence in Cross Plains, Wisconsin, with Person 4, Person 4's brother, and Person 5.

(b) Van Haften said something, possibly via text message, about going to Iraq or Afghanistan, as he could only stay in Turkey for approximately 90 days.

(c) Van Haften said that if everything works out, he will not return to the United States. Van Haften did not elaborate on what he meant by "everything working out."

14. With Person 4's consent, I reviewed the Facebook page for Van Haften on Person 4's phone and noted the following posts with the following time stamp: Yesterday (09-21-2014), 3:58pm: Van Haften: "It's calling, I can smell it's perfume! Allah!!!" There was a link for a video: HD Tour of Jannah Paradise - Anwar Al Awlaki

The Hereafter Series.² I reviewed a segment of the referenced "Tour of Jannah Paradise" video in which an English speaking male describes what paradise looked like for worthy Muslims who went there in the afterlife.

15. Following the interview with Person 4, I verified that Van Haften's personal Facebook page was entitled "JoshuaRay VanHaften." I was able to review the public profile associated to the Facebook page and noted that the location for Van Haften was listed as: "Kucuk Istanbul Sanliurfa Turkey."

16. On September 22, 2014, Agents interviewed Person 5 at the FBI Madison Resident Agency. Person 5 stated, among other things, the following:

(a) He lived with Person 4 and Van Haften from the spring of 2014 until Van Haften's departure for Turkey.

(b) Van Haften was a non-violent individual, but there was something strange about him. Van Haften posted a two or three minute video of himself on Facebook in which Van Haften was walking on a road and stated that it was probably the last time that he would be heard from for a while.

17. Person 5 allowed Agents to view several text messages from Van Haften on Person 5's phone. The messages were dated September 15, 2014. The following is an excerpt sent at 9:50PM: "it's all good Craig, I Ain got no problems yet, and I knew nobody but just as I assumed, I figured I would meet people b/c of my sheer

² On or about July 12, 2010, pursuant to an Executive Order, Anwar Al-Awlaki (also spelled "Al-Aulaqi") was designated by the United States a "Specially Designated Global Terrorist" because of his position as a leader of al-Quida in the Arabian Peninsula ("AQAP"), a Yemen-based terrorist group that has claimed responsibility for several terrorist acts against the United States. On or about September 20, 2011, Awlaki was killed in Yemen.

knowledge about things & it'd be all good, brothers would help me, give me money, facilitate in getting me to Iraq to help take over Baghdad." In addition, in a text sent at 10:28PM from Van Haften in response to a text by Person 5 Van Haften indicated that he had arrived in Syria.

18. In late September and early October 2014, I reviewed Van Haften's publicly available Facebook page, as well as various pages in which Van Haften posted information. Van Haften is Facebook friends with Adouw At-Taghout, whose profile indicated he lived in Raqqah, Syria, which, based on training and experience, I know is a Syrian stronghold for ISIL. On or about October 5, 2014, Adouw At-Taghout posted the following: "The next brother that likes a pic of Asian women's aurah and it shows on my news I'm blocking ok." Van Haften responded to the post with the following "Yeah, since I've befriended you and a few other militant style brothers, as I'm seeking: many other Muslims started to befriend me, that are associated from your mutual friends. But their agenda is definitely not what I'm seeking, so I unfollow them." At-Taghout also posted the following: "What scares the living daylights out of the enemies is Martyrdom operations These attacks have been proven to be very effective against the Enemies, in particular the American cowards!" Van Haften "liked" the post made by At-Taghout.

19. On October 1, 2014, I reviewed the publicly available Facebook page of Van Haften, as well as various pages in which Van Haften posted information, and

noted that Van Haften “liked” the group Ansar Bayt al-Maqdis (ABM).³ On October 1, 2014, At-Taghout wrote “To you they may be Isis or isil but to us it’s the #Islamic State. The blessed land to where the best of Allah’s slaves will be gathered. On or about September 30, 2014, Adouw At-Taghout posted the following: “What’s wrong with being radicalized? Being radicalized is by far better than being brain dead!!!” Van Haften “liked” this post as well. On September 30, 2014, At-Taghout posted a photo of the ISIL beheading of James Foley. Van Haften wrote the following comments as a response to the post: “Yet, their cursed secular laws are worse than the laws of Islam, and they want to say Shari’ah is worse than their secular laws. A bunch of morons sucking on melons.” “If the goddam Americans and sons of satan, Israeil (sic) wanna mutilate the dead, shit, we get an eye for an eye fool. Grow a set of nuts! Climb that fuckin tree and getcha some.” Van Haften “liked” the following post made by At-Taghout on September 30, 2014: “The happiest sight for us, is to meet the enemy on the battlefield!!!” On or about September 28, 2014, Adouw At-Taghout wrote “Allah sent dark clouds over #Raqqah to submerge #US and its Allies in fear. They can’t bomb what they can’t see. #Khilafah #islamicState.”

³ According to the Department of State’s website, on April 9, 2014, the Department of State announced the designation of ABM as a Foreign Terrorist Organization (FTO). Created in 2011 following the Egyptian uprisings, ABM is responsible for attacks on Israel and security services and tourists in Egypt. ABM – who shares some aspects of AQ ideology, but is not a formal AQ affiliate and generally maintains a local focus – was responsible for a July 2012 attack against a Sinai pipeline exporting gas to Israel. ABM has also targeted government officials, including the September 2013 attempted assassination of the Egyptian Interior Minister, and the January 2014 assassination of the head of the Interior Minister’s technical office. In February 2014, ABM expanded its targets to include foreign tourists, and claimed responsibility for the bombing of a tour bus in the Sinai Peninsula, killing the Egyptian driver and the three South Korean tourists.

20. On October 3, 2014, I interviewed Person 6, a former roommate of Van Haften. During the course of the interview, Person 6 allowed Agents to view a series of Facebook messages exchanged between himself and Van Haften on October 1, 2014.

Below is a verbatim excerpt:

Person 6: whats happening there going to come home some day?

Van Haften: Well, Turkey is looking like it is divided at the moment about attacking ISIS, which if they do then I'm gonna attack them.

Person 6: be carefull its not your fight stay safe

Van Haften: It's gonna be coming soon. I was about to cross to Syria the day before the Americans through Saudi and UAE, started bombing in Syria from their ships.

Person 6: Well be carefull

Van Haften: I was gonna be in the very city they bombed. But I didn't make it. Hopefully soon though. I'm not too worried, maybe at the moment it happens, but I'm kinda jumping headfirst into it. I'm tired of this life man.

Van Haften also stated that he had to do something courageous.

21. On October 7, 2014, I reviewed Van Haften's publicly available Facebook page which included a post made by Van Haften on October 7, 2014, that included the phrase "Ya Baghdadi!" and a video. I reviewed the video, which appears to be a 1 minute and 50 second propaganda video for ISIL. The ISIL flag was shown several times and the video includes individuals who appear to be Islamic extremists engaging in battle. Based on my training and experience, I know that Abu Bakr al-Baghdadi is the leader of ISIL. My review of the profile on October 7, 2014 also revealed that Van Haften "liked" the Facebook page "Support Khalifaa bagdadi." I know from my training

and experience that Khalifaa Bagdadi is a reference to Abu Bakr al-Baghdadi and Khalifaa is another term for Caliph. A caliph is the leader of the Islamic Diaspora.

22. On October 10, 2014, I reviewed the publicly available Facebook page of Van Haften as well as various pages in which Van Haften posted information. The following is a summary of these pages. On October 10, 2014, At-Taghout posted a comment about stopping to pray during a road trip and being upset because people were smoking cigarettes in the mosque. The following is an excerpt from an October 10, 2014 post made by Van Haften in response: "I can't wait to get to Dawlah where brothers are clean if (sic) this smoking shit! By Allah, I hate it so much! Everybody smokes."⁴

23. On October 10, 2014, Van Haften posted a video from YouTube on his Facebook page titled: "American jihadist narrowly escapes U.S. airstrike in Syria." Van Haften wrote the following in the post: "That's much less than the narrative I can give to them fools." Your affiant viewed the video, which includes an interview led by a reporter who traveled into Syria and interviewed a Somali-American from the midwest who identified himself as Ibyn Zubayr. According to the video, Zubayr left the US for Syria after feeling compelled to fight. Zubayr initially joined a much less radical group before joining Jabhat al-Nusrah Front. Zubayr allegedly narrowly escaped death when his residence in Syria was bombed by US air strikes.

⁴ According to the Department of State's official designation of ISIL as a Foreign Terrorist Organization, ad-Dawla al-Islamiyya and Dawla al Islamiya are aliases for ISIL.

24. On October 9, 2014, your affiant reviewed Van Haften's publicly available Facebook page showing a video, which had been shared from the posting of Abu Naseeha Al-Maghribi. Van Haften posted the following comment along with a video: "Oh yeah! Gramps gonna whoop ya ass America!" Al-Maghribi's video included the following caption on Van Haften's page: "This video is for the Haters and the Enemies of the Islamic State." I viewed the video, which depicts an older male holding a rifle and chanting a phrase in a foreign language.

25. I viewed a post made on October 7, 2014, on Abu Khalid As- Somali's Facebook page, a Facebook friend of Van Haften which stated: "I think it's clear now that if you live in the west your Hijra plan should be kept safe from the public attention just like your password." Van Haften responded with the following comments: "That was FOR SURE!!! haha, well I made it into a joke to some people just before I went, but I'm sure NSA knew of my plans." "My password has always been 'Death to America's NEW WORLD ORDER' for the past fifteen years when me & Ibrahim Malik al-Amin made a covenant in the prison cell. That was no secret to NSA."

26. I viewed a separate post made by Van Haften's Facebook friend, Salman Al Farsi on October 8, 2014: "Suddenly the media knows Islamic creed better than we Muslims." A news article via RT, the Russian media station, was included with the following title: "'Sisters in arms': Kurdish women fighters ready 'to send ISIS to hell' (VIDEO)." Van Haften wrote the following response: "What sitting ducks. Using the media mouth of Dajjal to urge women into the battlefield & fitan. Okay, have it your way dummies. Send us to hell because we were killed by a woman. Stupidity." I

viewed the news article which appears to be focused on Kurdish women fighting along the Syria/Iraq border and the alleged ISIS belief that ISIS fighters will go straight to Hell if they are killed by a woman.

27. On October 10, 2014, I viewed a post on Adouw At-Taghout's publicly available Facebook page from September 28, 2014. At-Taghout posted the following: "If you try to stop the Muslims from migrating to the Islamic State. Soon You will start seeing attacks on American soil. Allow Muslims to leave in peace or pay the ultimate price for your Ignorance Obama you fool!!" Van Haften "liked" this post.

28. On October 12, 2014, Abu Haitham Al-Antarctica posted the following: "MUST DOWNLOAD ISLAMIC STATE MAGAZINE" with a link listed as "Dabiq 04 En: Free Download & Streaming: Internet Archive." Van Haften responded to the post on 10/12/2014 with the following: "I love it!" Van Haften also wrote in what appeared to be Arabic text. I conducted a search in Google Translate for the referenced Arabic post, which revealed the post was "Allah is the Greatest." I also conducted a Google search of "Dabiq." Results revealed that Dabiq is the magazine for ISIL.

29. On October 14, 2014, Van Haften posted the following comments on an individual's Facebook page: "I'm messaging you. I'm in Istanbul." "Bags packed next to the door ready." "The brother from JN says the way isn't safe now, so he isn't trying to cross with me, so here I play video games (FB)..." Van Haften's post also included a photo of a room with bags sitting in the corner. Based on training and experience, I know extremists often use "JN" as an abbreviation for Jabhat al-Nusrah Front.

30. On October 14, 2014, and October 15, 2014, Van Haften engages in a series of posts with the same individual on Facebook in response to that individual's post: "If you really intended, you would prepare." Van Haften goes on to respond that he needs to find a way to get to the border because Turkey is tracking everyone. Van Haften states: "And all the boys supposed to help me wanted money too! And I didn't have anything left as the man who was supposed to help me cross for free as he supposedly help those on the path to mujahideen wanted my last 100 lira. So then these young brothers took me into the country dropped me off telling me someone was gonna come & I waited 3 hours with no one showing up in the middle of nowhere." Van Haften further states: "I'm posting my whole life on here, cuz I'm sick & tired of Americas kufr, I'm finished. It's either now or never. If & when the Kuffar (slaves of America) come at me to arrest me or take me, I'm fighting them! Fuck if they ever take me freely again!!!!!!!!!" Van Haften also posted that: "This was the road they took me down. Ended up walking with 75 kilos on my back to the nearest village, Gunderen, and there was a masjid. I slept on the porch till fajr, then the imam looked at me as strange as could be while making wudu. He offered me a blanket & let me sleep a few hours before Jumuah. But he was totally against Dawlah, so I wasn't getting any help across. He paid my way back to Istanbul tho. Alhamdulillah."

31. On October 22, 2014, I viewed the following post made by At-Taghout: "If avenging the killing of our people is terrorism, if killing those who kill our children is terrorism, then history should be a witness that we are terrorists." - Sheikh Osama bin Laden (rahimahullah). Van Haften "liked" this post.

CONCLUSION

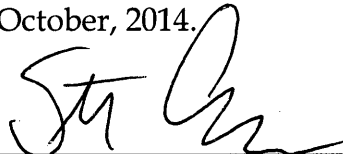
32. Based on the above information, I respectfully submit that there is probable cause that Joshua Ray Van Haften committed the Subject Offense.

Dated this 28th day of October 2014.



ERIC ROEHL, Special Agent
Federal Bureau of Investigation

Sworn to before me this 28th day of October, 2014.



STEPHEN L. CROCKER
United States Magistrate Judge